

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

**NICOLE SHORT,**

**Plaintiff,**

**v.**

**AVI FOOD SYSTEMS, INC.,**

**Defendant.**

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**CAUSE NO: 4:20-CV-115 TWP-DML**

**PLAINTIFF'S STATUS REPORT**

Plaintiff, Nicole Short, by counsel, now files this Status Report with the Court to provide her update on the instant matter.

1. Plaintiff's counsel is aware there was a status conference set for November 3, 2020.
2. Counsel's daughter at the University of Kentucky was exposed to the COVID-19 virus Halloween weekend.
3. On the morning of November 3, 2020, the daughter expressed concerns about an intense headache, breathing problems, and other symptoms.
4. In early 2020, counsel experienced similar symptoms, including coughing until I could not recapture his breath for about three weeks. I underwent x-rays, heart scans, and was prescribed both steroids and anti-biotics by both emergency room and other health care professionals. Given it was pre-pandemic, no specific diagnosis about my condition was provided. As a result, the report from my daughter was treated as a serious and imminent health concern.

5. Counsel was on the phone with my daughter and health care professionals and testing facilities for much of the morning. My attention was distracted from professional obligations.
6. With regards to this matter, Plaintiff is presenting a subpoena for review by Defendant to be sent to a third-party employer within 7 days. Discovery was also served this same day.
7. Plaintiff responded to Defendant's discovery, including production of a large number of audio and video files.
8. Plaintiff is delinquent in making a settlement demand for which I take responsibility. Plaintiff will make a settlement demand on or before Friday, November 6, 2020, and carbon copy the court on that communication.
9. With a discovery deadline of mid-April and an expectation that Plaintiff receives discovery responses in or before mid-January, Plaintiff proposes that this matter would be ready for a settlement conference in late February or early March if the Court is inclined to set one.
10. Plaintiff would not expect that taking depositions will be necessary for her to be prepared for this settlement conference. Documents received by third-parties should provide insight as to her retaliation claim. Plaintiff's testimony is anticipated and discovery responses are expected to be sufficient to establish her hostile work environment claim.

Respectfully Submitted,

/s/ Christopher S. Wolcott  
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served this day, November 4, 2020 by operation of the Court's Electronic Filing System, and properly addressed to the following counsel of record for Defendant:

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/s/ Christopher S. Wolcott